

Message Text

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PAGE 01 TEGUCI 02799 122215Z

ACTION EB-08

INFO OCT-01 ARA-10 ISO-00 OIC-02 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-10 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02
OMB-01 DOE-15 AF-10 EA-10 EUR-12 NEA-11 IO-13
/169 W

-----035800 130340Z /70

R 122148Z JUN 78

FM AMEMBASSY TEGUCIGALPA

TO SECSTATE WASHDC 625

INFO AMEMBASSY GUATEMALA

AMEMBASSY MANAGUA

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

C O N F I D E N T I A L TEGUCIGALPA 2799

EO 11652 N/A

TAGS: ETRD, HO

SUBJECT: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: STATE 136706

1. HONDURAN LABOR STANDARDS DO NOT APPEAR TO BE DEFICIENT IN ANY
OF THE AREAS DESCRIBED IN REFTEL, PARA 3. SPECIFIC STANDARDS FOLLOW:

A) FORCED LABOR: CONSTITUTION OF 1965 GUARANTEES FREEDOM
"TO ALL HONDURANS AND TO FOREIGNERS RESIDING IN COUNTRY"
(ARTICLE 51); "PERSONAL FREEDOM IS INVOLABLE AND MAY BE RESTRICTED
OR TEMPORARILY SUSPENDED ONLY ACCORDING TO LAW" (ARTICLE 57);
"EVERY PERSON HAS THE RIGHT TO WORK, TO CHOOSE HIS OCCUPATION
FREELY AND TO GIVE IT UP..." (ARTICLE 123). IN PRACTICE, THERE
IS NO FORCED LABOR OF ANY KIND.

B) CHILD LABOR: CHAPTER II (LABOR AND SOCIAL WELFARE)

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PAGE 02 TEGUCI 02799 122215Z

PROHIBITS EMPLOYMENT OF MINORS UNDER 14 AND RESTRICTS THAT OF
MINORS UNDER 16 (ARTICLE 124). REGULATING ENFORCING
CONSTITUTIONAL PROVISIONS ARE SPELLED OUT IN SECTIONS 31-35 AND
127-134 OF THE HONDURAN LABOR CODE OF 1959. IN PRACTICE,
CHILDREN UNDER 16 ARE NOT EMPLOYED IN INDUSTRY.

C) SAFETY: CONSTITUTION ALSO REQUIRES EMPLOYEES TO

"OBSERVE THE LEGAL PROVISIONS CONCERNING HYGIENE AND HELATH AND THE ADOPTION OF ADEQUATE SAFETY MEASURES IN THE USE OF MACHINES, INSTRUMENTS AND WORKING MATERIALS..." (ARTICLE 124, PARA 7). THIS PROVISION IS EXPANDED ON IN LABOR CODE, SECTIONS 391-400 WHICH CONTAINS SPECIFIC REFERENCE TO TOXIC SUBSTANCES (SECTION 395). THOUGH LABOR MINISTRY LACKS ADEQUATE INSPECTION STAFF TO ENFORCE THESE PROVISIONS ZEALOUSLY, RELATIVELY STRONG HONDURAN LABOR UNIONS ASSIST IN INSURING THAT, IN GENERAL, THEY ARE OBSERVED IN PRACTICE.

D) DIFFERENTIAL STANDARDS: NEITHER LAW NOR PRACTICE ARE USED TO PROMOTE DIFFERENTIAL LABOR STANDARDS IN FREE TRADE ZONES, DOMESTIC EXPORT OR IMPORT SUBSTITUTION INDUSTRIES, OR TO ATTRACT FOREIGN MANUFACTURING INVESTMENT TO EXPORT-ORIENTED INDUSTRIES. INDEED, THERE IS NO FOREIGN INVESTMENT LAW AT ALL PER SE; THUS FOREIGN AND DOMESTIC INVESTORS OPERATE UNDER IDENTICAL REGULATIONS. HONDURAS' FIRST FREE TRADE ZONE OPENED OFFICIALLY IN MAY AT PURETO CORTES AND LABOR LEADERS REPORT NO GOH INTERFERENCE IN THEIR EFFORTS TO ORGANIZE ALL WORKERS THEREIN (WHICH IS LOCATED IN EXTENSIVELY-ORGANIZED NORTH COAST INDUSTRIAL AREA).

2. EMBASSY AIR POUCHING TO ARA/CEN EXTRACTS OF GOH CONSTITUTION AND LABOR CODE REFERRED TO ABOVE. FULL TEXTS AVAILABLE IN ENGLISH; THE FORMER FROM OAS HEADQUARTERS AND THE LATTER FROM ILO (LEGISLATIVE SERIES 1959 - HON. 1). SPANISH TEXT OF GOH DECREE NUMBER 356 OF JULY 19, 1977, ESTABLISHING FREE TRADE ZONE ALSO
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PAGE 03 TEGUCI 02799 122215Z

BEING POUCHED.
JARAMILLO

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